

MONTANA LEGISLATIVE HISTORY

Chapter 401 19 79

Bill H _____ S 273 Original bill & history ☒ c

H. Committee on Education

S. Committee on Education

Hearing Date(s) 3-7 _____ c

Hearing Date(s) 2-5 _____ c

3-7 _____ c

BEST COPY
AVAILABLE

2-12 _____ c

_____ c

_____ c

_____ c

_____ c

Date Out 3-7 _____ c

DATE OUT 2-12

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

1 *Senate* BILL NO. *273*
2 INTRODUCED BY *McBryden*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TUITION
5 PAYMENT FOR A HIGH SCHOOL STUDENT ATTENDING A HIGH SCHOOL IN
6 A DISTRICT OUTSIDE HIS RESIDENT DISTRICT AND CREATING A HIGH
7 SCHOOL TUITION FUND; AMENDING SECTIONS 20-5-311 THROUGH
8 20-5-313 AND 20-9-334, MCA."
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 20-5-311, MCA, is amended to read:

12 "20-5-311. High school tuition. (1) Any child may be
13 enrolled in and attend a high school outside of the county
14 high school district in which he resides when such high
15 school is located in ~~any county of the state of~~ Montana or
16 in a county of another state that is adjacent to the state
17 of Montana. When a parent or guardian of a child wishes to
18 have his child attend a school under the provisions of this
19 section, he shall apply to the county superintendent of the
20 county of his residence before July 1 of the school fiscal
21 year for which he seeks approval except in those cases when
22 substantial changes in circumstances occurred subsequently
23 to justify later application. Such application shall be made
24 on a tuition agreement form supplied by the county
25 superintendent and shall be approved by the trustees of the

1 district where the child wishes to attend school and the
2 county superintendent of the child's county of residence
3 before permission to enroll in and attend a school outside
4 of the county district under the provisions of this section
5 shall be granted.

6 (2) The county superintendent shall approve a tuition
7 application when a child lives closer to a high school of
8 another county district than any high school located within
9 his resident county district or when, due to road or
10 geographic conditions, it is impractical to attend a ~~the~~
11 high school in nearest his resident-county residence. In
12 approving such a tuition application the county
13 superintendent is not required to approve a tuition
14 application for a student seeking to attend a high school
15 outside the state of Montana if the resident district
16 provides transportation. In approving a tuition agreement
17 under this provision, the county superintendent may require
18 the child to attend the high school closest to his
19 residence. The county superintendent may approve any other
20 tuition application that satisfies the geographic
21 requirements of this section.

22 (3) The trustees of the district where the child
23 wishes to attend school shall approve or disapprove any
24 tuition application submitted to them under the provisions
25 of this section within 15 days after the receipt of the

1 application.

2 (4) The county superintendent shall notify the parent
3 or guardian and the trustees of the district where the child
4 wishes to attend school of the tuition agreement approval or
5 disapproval. If a tuition agreement is disapproved by the
6 county superintendent, the parent may appeal such
7 disapproval to the county superintendent for his
8 reconsideration and, subsequently, to the superintendent of
9 public instruction under the provision for the appeal of
10 controversies in this title. The approval of any tuition
11 agreement by the approval agents or upon appeal shall
12 authorize the child named in such agreement to enroll in and
13 attend the school named in such agreement for the ensuing
14 school fiscal year.*

15 Section 2. Section 20-5-312, MCA, is amended to read:

16 *20-5-312. Reporting, budgeting, and payment for high
17 school tuition. (1) At the close of the school term of each
18 school fiscal year, the trustees of each high school
19 district shall determine the rate of tuition for the current
20 school fiscal year by:

21 (a) totaling the actual expenditures from the district
22 general fund, retirement fund, and debt service fund;

23 (b) dividing the amount determined in subsection
24 (1)(a) above by the ANB of the district for the current
25 fiscal year, as determined under the provisions of 20-9-311;

1 and

2 (c) subtracting the total of the per-ANB amount
3 allowed by 20-9-316 through 20-9-321 that represents the
4 foundation program as prescribed by 20-9-303 plus the
5 per-ANB amount determined by dividing the state financing of
6 the district permissive levy by the ANB of the district,
7 from the amount determined in subsection (1)(b) above.

8 (2) Before July 15, the trustees shall report to the
9 county superintendent of the county in which the district is
10 located:

11 (a) the names, addresses, and resident counties
12 districts of the pupils attending the schools of the
13 district under an approved tuition agreement;

14 (b) the number of days of school attended by each
15 pupil;

16 (c) the amount, if any, of each pupil's tuition
17 payment that the trustees, in their discretion, shall have
18 the authority to waive; and

19 (d) the rate of current school fiscal year tuition, as
20 determined under the provisions of this section.

21 (3) When the county superintendent receives a tuition
22 report from a district, he shall immediately send the
23 reported information to the county superintendent of each
24 county district in which the reported pupils reside.

25 (4) When the county district superintendent of any

county receives a tuition report or reports for high school pupils residing in his county district and attending an out-of-county out-of-district high school under approved tuition agreements, he shall determine the total amount of tuition due such out-of-county out-of-district high schools on the basis of the following per-pupil schedule: the rate of tuition, number of pupils attending under an approved tuition agreement, and other information provided by each high school district where resident county district pupils have attended school.

~~(5) The total amount of the high school tuition with consideration of any tuition waivers shall be financed by the county basic special tax for high schools as provided in 20-9-334.~~

~~(6) In December, the county superintendent shall cause the payment by county warrant of the high school tuition obligations established under this section out of the first moneys realized from the county basic special tax for high schools. The payment shall be made to the county treasurer of the county where each high school entitled to tuition is located. The county treasurer shall credit such tuition receipts to the general fund of the applicable high school district, and the tuition receipts shall be used in accordance with the provisions of 20-9-141.~~

Section 3. Section 20-5-313, MCA, is amended to read:

"20-5-313. Individual tuition for high school pupil.

(1) Any child eligible to attend high school may attend school in any the high school district of ~~his county~~ of residence in which he resides without payment of tuition.

(2) No provision of this title shall be construed to deny a parent the right to send his child, at his own expense, to any high school outside of his county district of residence when the parent agrees to pay the tuition acceptable to the trustees of the high school district operating such high school. When the attendance is approved, the parent shall pay tuition at the rate fixed by the trustees."

NEW SECTION. Section 4. Budgeting, levy requirement, and paying high school tuition. (1) The tuition amount established in 20-5-312 must be paid during the ensuing school fiscal year. The trustees of the high school district shall include the tuition amount in the tuition fund of the preliminary and final budgets. This budgeted tuition amount is not subject to the budget adjustment provisions of 20-9-132.

(2) The county superintendent shall report the net tuition fund levy requirement for each high school district to the county commissioners on the second Monday of August, and a levy on the district shall be made by the county commissioners in accordance with 20-9-142. This levy

1 requirement shall be calculated by subtracting from the
2 total expenditure amount authorized in the final tuition
3 fund budget the sum of the cash balance in the tuition fund
4 at the end of the immediately preceding school fiscal year
5 plus any other anticipated money that may be realized in the
6 tuition fund.

7 {3} The trustees shall pay by warrants drawn on the
8 tuition fund the tuition amounts owed to each district
9 included in the county superintendent's notification under
10 the provisions of 20-5-312. Payments shall be made whenever
11 there is a sufficient amount of cash available in the
12 tuition fund but no later than the end of the school fiscal
13 year for which the budget is adopted.

14 Section 5. Section 20-9-334, MCA, is amended to read:

15 "20-9-334. Apportionment of county equalization moneys
16 by county superintendent. The county superintendent shall
17 separately apportion the revenues deposited in the basic
18 county tax account and the revenues deposited in the basic
19 special tax for high schools account to the several
20 districts of the county on a quarterly basis. The
21 apportionments shall be known as "county equalization
22 moneys". Before the county superintendent makes the
23 quarterly apportionments, he shall:

24 {1}--deduct from the revenues available in the basic
25 county tax account the amount required for the quarter to

1 pay the county's obligation for elementary transportation
2 reimbursements; and

3 {2}--deduct from the revenues available in the basic
4 special tax for high schools account the amount required for
5 the quarter to pay the county's obligation for high school
6 out-of-county tuitions"

-End-

COMMITTEE ON EDUCATION

SENATE LL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
32	1/3/79	1/11/79	1/11/79			1/10/79			
59	1/4/79	1/12/79	1/12/79			1/12/79			
79	1/10/79	1/15/79	1/15/79	1/15/79					
16	1/17/79	1/19/79	1/19/79			1/19/79			
66	1/18/79	2/19/79	laid on table						
78	1/19/79	2/12/79	2/14/79	2/14/79	as amended				
89	1/22/79	1/29/79	1/29/79			1/29/79			
2	1/22/79	2/7/79	2/14/79	2/14/79					
14	1/23/79	1/26/79	1/29/79	1/29/79					
13	1/23/79	1/31/79	1/31/79			1/31/79			
8	1/24/79	2/19/79	laid on table						
2	1/26/79	2/15/79	2/16/79	2/16/79					
3	1/27/79	2/5/79	2/12/79			2/12/79			
5	1/29/79	2/12/79	2/12/79	2/12/79					
2	1/30/79	2/9/79	2/16/79	2/19/79					
	1/31/79	2/19/79	laid on table						
	1/31/79	2/16/79	2/16/79						

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OF MONTANA

CHAPTER NO. 401.

SENATE BILL NO. 273

INTRODUCED BY McCALLUM

IN THE SENATE

January 27, 1979	Introduced and referred to Committee on Education.
February 13, 1979	Committee recommend bill do pass as amended. Report adopted.
February 15, 1979	Printed and placed on members' desks.
February 16, 1979	Second reading, do pass.
February 17, 1979	On motion taken from Committee on Bills and Journal and referred to second reading.
February 19, 1979	Second reading, do pass as amended.
February 21, 1979	Correctly engrossed.
February 22, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 23, 1979	Introduced and referred to Committee on Education and Cultural Resources.
March 9, 1979	Committee recommend bill be concurred in. Report adopted.
March 13, 1979	Second reading, concurred in.
March 14, 1979	On motion, returned to second reading.

March 15, 1979

Second reading, concurred
in as amended.

March 19, 1979

On motion taken from third
reading and referred to
second reading.

Second reading, concurred
in as amended.

March 22, 1979

Third reading, concurred
in as amended.

IN THE SENATE

March 23, 1979

Returned from second house.
Concurred in as amended.

March 24, 1979

Second reading, pass
consideration.

March 26, 1979

Second reading, amendments
adopted.

March 27, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

SENATE EDUCATION COMMITTEE

February 5, 1979

The Senate Education Committee met Monday, February 5, 1979, in Room 402 of the Capitol Building. Senator Bob Brown, Chairman, called the meeting to order at 12:30 p.m. Committee members present were Senators Brown, Ed Smith, Thomas, O'Hara, Anderson, Severson, Fasbender, McCallum and Blaylock. Senator Richard Smith was absent.

SENATE BILL 273

Senator McCallum, sponsor of the bill, stated the purpose of the bill is to change tuition payment requirements. Currently, a high school student may attend any high school in his county of residence without payment of tuition. Senator McCallum said that tuition is currently paid in elementary districts and this bill would make it the same for high schools. He stated a school in his area is having problems and he introduced the bill at their request.

PROPOSERS

Robert M. Banks, Superintendent, District 40, Frenchtown, presented his written testimony to the committee and further remarked that this year there are 50 students from out of District attending his school and they may be forced to go to split sessions to accomodate them next year if the same trend continues.

Claude M. "Blacky" Lackner, Chairman of the District 40, Frenchtown, Board of Trustees, stated the tuition problem is growing all over the state. Suburban development and student mobility are contributing factors. He said Frenchtown has bonded themselves to the limit of \$4 million. He further stated that if their levy fails in the future, the students will lose many of the extra curricular activities and frills they now have and as a result will just go down the road to the next school that offers the extras.

Wayne Buchanan, representing the Montana School Boards Association, says the Association supports the bill and said in his personal experience as Director of Special Services the tuition issue is definitely a problem and he certainly supports the bill.

Bob Stockton, OPI, said the law regarding tuition has certain mandatory provisions the committee should be aware of.

There were no opponents to the bill and the hearing was opened to discussion by the committee.

Senator Brown stated the school bus goes through the Whitefish school district picking up students who go to Flathead High from Whitefish. He asked how this bill would affect this situation.

Senator Blaylock asked if parents are already paying mill levy monies and state support, can't they make a case for not paying tuition?

Senator McCallum replied why don't elementary parents object if that is the case.

Senator Smith asked if at present schools could require tuition.

Senator McCallum answered no, they can't.

Senator Blaylock asked how the tuition will be determined.

Senator McCallum stated he thought there is a formula.

Mr. Lackner stated they would only receive the amount calculated over and above the A and B.

Senator Blaylock asked if the tuition could be set high enough so that students couldn't get in.

Mr. Lackner felt attendance couldn't be denied to any student.

Mr. Stockton explained there is a formula that applies. He cautioned the bill would have to be looked at for the removal of retirement plan monies. He further stated high schools can waive tuition on an individual basis but elementary schools must waive for all if they waive for one.

There being no further discussion, the hearing was closed.

SENATE BILL 262

Senator McCallum, sponsor of the bill, stated the bill deals with the distribution of the federal forest reserve funds which are disbursed currently 2/3 to county road fund and 1/3 to the common school fund (foundation program). Mineral County is 93% state and federally owned land and Sanders County is about 60%. The counties keep the 2/3 in the county for their road fund but the 1/3 is put into the common school fund and disbursed across the state.

Date 1/25/74

ROLL CALL

EDUCATION COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Sen. Bob Brown, Chairman	X		
Sen. Ed Smith, Vice Chairman	X		
Sen. Jesse O'Hara	X		
Sen. George McCallum	X		
Sen. Elmer Severson	X		
Sen. Mike Anderson	X		
Sen. Chet Blaylock	X		
Sen. Larry Fasbender	X		
Sen. Richard Smith		X	
Sen. Bill Thomas	X		

Each Day Attach to Minutes.

Frenchtown Public Schools, District No. 40

Frenchtown, Montana 59834

ROBERT M. BANKS
823 5762
SUPERINTENDENT

PHILIP M. BAEPLOCHER
823 4461
ELEMENTARY PRINCIPAL

ARTHUR O. HIGHTOWER
823 4414
HIGH SCHOOL PRINCIPAL

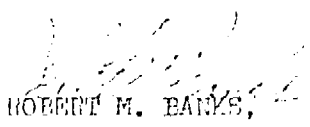
TESTIMONY IN FAVOR OF SENATE BILL #273

Frenchtown School District would like to go on record as favoring Senate Bill No. 273; an act requiring tuition payment for high school students attending a high school in a district outside their resident district.

At the present time, high school students can attend any high school in their county that they wish to attend, without payment of tuition. This practice, under, law, is a holdover from the county high school concept, when all high schools were under the control of the county in which they were located.

A number of years ago, the legislature made it possible to form more than one high school district within a county. At present, there is more than one high school district in a county with it's own district lines and tax base.

It is our contention, that to allow a student from one high school district to attend school in another district without paying tuition, is unfair to the receiving district. The law presently being adhered to, works a hardship on the receiving district in respect to overcrowding facilities available, and it is also a fact that the parents of students from out of the district do not contribute to the tax base of the receiving district, in supplying the revenue necessary for the educational and building programs of the district. We believe that each high school district should have the authority to waive tuition payment at their discretion on students outside the district, within the same county, which this bill does, under Section No. 20-50312, Sub Section 2-C. Senate Bill No. 273, is necessary to correct the laws of Montana to conform to the intent of the legislature in forming separate high school districts. We are in favor of, and encouraging considerable consideration of Senate Bill No. 273.


ROBERT M. BANKS,
Superintendent

NAME: Robert M. Boudiss DATE: 2-5-79

ADDRESS: Box 117 Friesland Plant.

PHONE: 646-5762

REPRESENTING WHOM? School Dist. #11 Friesland

APPEARING ON WHICH PROPOSAL: S.B. 275 / S.B. 262

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Clara M. Lichner

DATE:

2-5-79

ADDRESS:

RT #2, Missoula, MT 59801

PHONE:

216-3280

REPRESENTING WHOM?

School Dist #40, Enid, Okla.

APPEARING ON WHICH PROPOSAL:

S.B. #273

DO YOU:

SUPPORT?

☒

AMEND?

☐

OPPOSE?

☐

COMMENTS:

Chairman of the Board of Dist.

#40

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

DATE File 5, 1979COMMITTEE ON EDUCATIONBILL NO. 262273

VISITOR'S REGISTER

NAME	REPRESENTING	Check Support
Donald H. Lachman	Dist #40 Frenchtown	✓
Robert M. Banks	Dist #40 Frenchtown	✓
F MacDonald	1-6 St Regis	✓
Robert J. Lachman	Dist #1-6 St Regis	✓
Roger A. Bell	Dist #1-6 St. Regis	✓
Jim Watkins	O.P.T.	—
Ted M. Rolfe	Supt. Troy Public Schools	✓
Bill Ginnell	Lincoln County Commissioner	✓ 263
LD Lachman	Dist #2 Albion, Mt.	✓ 262
Frank J. Murphy	Mineral County Dist No. 3	✓
Robert F. Hoffmann	Dist. 11 - Lincoln County	✓ 262
Don Walling	Levy Public Schools	✓ 262
Frank J. Lachman	Lincoln County Commissioner	✓ 262
Jim K. Mann	Lincoln County Commissioner	✓ 262
Allen D. Leavitt	O.B.P.P.	
Wayne Buchanan	MSBA	SB 262 " 273
Jim E. Wilson		SB 262
Frank L. Lachman		
Jim Lake	Dist. of School Inspector	✓ 262
Leslie Rochelle	Supt. of Schools Thompson Falls	✓ 262
Hallie M. Waydemyer	LC H. School member, Fortuna	✓ 262
James H. Pusey	Dist #1 St. Regis	✓ 262
Jim Pusey	Dist #1 Salmon Elementary	✓ 262

(Please leave prepared statement with Secretary)

SENATE EDUCATION COMMITTEE
February 12, 1979

The Senate Education Committee met Monday, February 12, 1979, in Room 402 of the Capitol Building. The meeting was called to order by Senator Bob Brown, Chairman. Committee members present were Senators Brown, McCallum, Anderson, E. Smith, O'Hara, Severson, Fasbender, and R. Smith. Senator Thomas was absent and Senator Blaylock was able to attend for only a short time.

The Committee heard Senate Bill 276 and Senate Bill 329. Senator Ed Smith, Vice Chairman, assumed the Chair while Senator Brown presented his bill.

SENATE BILL 276

Senator Bob Brown, sponsor of the bill, stated the purpose of the bill is to authorize planning and development of programs to meet the special educational needs of the gifted and talented student. He reviewed the five sections of the bill. Section 1 defines gifted and talented children; Section 2 provides for identification of gifted and talented children; Section 3 provides for adoption of criteria by the Superintendent and for local-state match for funds; Section 4 outlines criteria for program proposals; and Section 5 provides for deleting the term "federal" thus enabling state grant money to go into the district miscellaneous programs fund. Senator Brown stated there is a House appropriations bill in for \$250,000 to fund the grant program. He closed by pointing out the special education system for handicapped children is well developed and quite comprehensive and it is time to be responsive to the other end of the spectrum.

PROPOSERS

Judi Fenton, Office of Public Instruction, presented her written testimony in support of the bill to the committee (attachment #1).

Jack Baier, representing the Montana Association of Elementary School Principals, stated the bill is a realistic aid in keeping Montana children in the forefront of educational opportunities. He urged support of the bill. He said it provides an equal educational opportunity for gifted students as well as other elements of learning. It affects our most important resource, our children and their future. He also noted the bill retains the grass roots element most important to good educational legislation.

Arlyne Reichert, Representative, District 37, presented her written testimony to the committee in support of the bill (attachment #2).

Senator Ed Smith moved Senate Bill 178 Do Pass As Amended.

Senator Fasbender stated he would prefer having the Board of Public Instruction include instruction on drug hazards in their accreditation standards, whether by a letter to them or by a committee resolution, instead of having the bill pass and be statutory.

Senator Smith withdrew his previous motion and moved to strike "shall" wherever it appears in the bill and insert "may" and in the title strike "requiring" and insert "recommending".

Senator Fasbender made a substitute motion for all motions pending to table the bill. The motion carried on a roll call vote with Senators O'Hara, McCallum, Anderson, Severson and Fasbender voting yes and Senators Ed Smith, Richard Smith and Brown voting no.

SENATE BILL 273

Senator McCallum moved the amendments (see attached committee report). The motion carried unanimously with Senator Blaylock absent.

Senator O'Hara moved Senate Bill 273 Do Pass As Amended. The motion carried with Senator Richard Smith voting no and Senator Blaylock absent.

SENATE BILL 276

Senator McCallum moved Senate Bill 276 Do Pass. The motion carried unanimously with Senator Blaylock absent.

There being no further business, the meeting adjourned to reconvene Wednesday, February 14, at 12:30 p.m.



Senator Bob Brown, Chairman

STANDING COMMITTEE REPORT

February 12, 1979

MR. President

We, your committee on Education

having had under consideration Senate Bill No. 273

Respectfully report as follows: That Senate Bill No. 273, introduced bill, be amended as follows:

1. Title, line 8.

Strike: "AND 20-9-334"

2. Page 5, line 24.

Following: line 24

Insert: "(5) The total amount of the high school tuition, with consideration of any tuition waivers, for pupils attending a high school outside the county of residence shall be financed by the county basic special tax for high schools as provided in 20-9-334.

(6) In December, the county superintendent shall cause the payment by county warrant of the high school tuition obligations established under this section out of the first moneys realized from the county basic special tax for high schools. The payment shall be made to the county treasurer of the county where each high school entitled to tuition is located. The county treasurer

ENDRESS

February 12

79

.....19.....

shall credit such tuition receipts to the general fund of the applicable high school district, and the tuition receipts shall be used in accordance with the provisions of 20-9-141.

(C) For pupils attending a high school outside their district of residence but within the county of residence, the total amount of the tuition, with consideration of any tuition waivers, must be paid during the ensuing school fiscal year. The trustees of the sending high school district shall include the tuition amount in the tuition fund of the preliminary and final budgets. This budgeted tuition amount is not subject to the budget adjustment provisions of 20-9-132. The county superintendent shall report the net tuition fund levy requirement for each high school district to the county commissioners on the second Monday of August, and a levy on the district shall be made by the county commissioners in accordance with 20-9-142. This levy requirement shall be calculated by subtracting from the total expenditure amount authorized in the final tuition fund budget the sum of the cash balance in the tuition fund at the end of the immediately preceding school fiscal year plus any other anticipated money that may be realized in the tuition fund. The trustees shall pay by warrants drawn on the tuition fund the tuition amounts owed to each district included in the county superintendent's certification. Payments shall be made whenever there is a sufficient amount of cash available in the tuition fund but no later than the end of the school fiscal year for which the budget is adopted.

3. Page 5, lines 13 through line 13 on page 7.

Following: line 12

Strike: section 4 in its entirety

4. Page 7, lines 14 through line 6 on page 8.

Following: line 13

Strike: section 5 in its entirety

And, as so amended,

EO PACS

Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 193	An act to require postsecondary vo-tech centers to expend non-general fund moneys first and to revert unexpended general fund balances as fiscal year end...	2-22-79	Jergeson	3-2-79	AND AS AMENDED, BE CONCURRED IN	3-2-79
SB 316	An act to clarify the law relating to the authority of a co. supt. to request, accept, and disburse money to school districts....	2-22-79	Fasbender	3-2-79	BE CONCURRED IN	3-2-79
SB 178	An act requiring that courses be taught on the health hazards of marijuana.	2-23-79	Turnage	3-9-79	BE NOT CONCURRED IN	3-9-79
SB 262	An act revising the allocation of federal forest reserve money to school districts; amending section 17-3-213 & 20-9-331, MCA.	2-23-79	McCallum	3-7-79	AND AS AMENDED, BE CONCURRED IN	3-12-79
SB273	An act requiring tuition payment for a high school student attending a high school in a district outside his resident district & creating a high school tuition fund....	2-23-79	McCallum	3-7-79	BE CONCURRED IN	3-9-79
SB 441	An act to revise the law regarding conflicts of interest of school board trustees; amd. section 20-9-204, MCA.	2-29-79	Lensink	3-5-79	AND AS AMENDED, BE CONCURRED IN	3-7-79

State of Montana
46th Legislative Session

EDUCATION COMMITTEE

Minutes of Meeting

A meeting of the Education Committee of the House of Representatives was called to order at 12:30 p.m. in Room 5 of the Capitol Annex on Wednesday, March 7, 1979, by Chairman Peter J. Gilligan.

The roll was taken and shows Representatives Reichert, Teague and Anderson excused. All other committee members were present.

The purpose of the meeting was to hear Senate Bills 2, 262, and 273.

Chairman Gilligan requested Senator McCallum to explain to the committee Senate Bill 262 (an act revising the allocation of federal forest reserve money to school districts).

Proponents of Senate Bill 262 were:

Donald R. Waldron, Libby Public Schools, Libby, Mt. - Mr. Waldron explained to the committee the major points of SB 262 and urged passage of the bill. (See Exhibit 1)

Penny Underwood, Rt. 3, P.O. Box 1153-A, Libby, Mt. - (Lincoln County Superintendent of Public Schools) - Ms. Underwood reiterated points made by Mr. Waldron and passed out Federal Forest Reserve District Subdivision Sheets for Lincoln County Schools to the committee (See Exhibit 2)

Charlotte Edwards, Broadus, Mt. - "This will be a start in correcting an unfair area of the Foundation Program, whereby smaller counties are subsidizing school programs of the larger cities." (See Exhibit 3)

Edward Nelson, 1706 9th Ave, Helena, Mt. - (Montana Taxpayers Association) - Mr. Nelson told the committee his organization supports this bill. (See Exhibit 4)

Opponents to Senate Bill 262 were:

Shauna Thomas, P.O. Box 1246, Helena, Mt.- Ms. Thomas (Representing the Montana Federation of Teachers) spoke in opposition to SB 262. (See Exhibit 5)

Testimony, which by time limitation, was not presented orally is attached in Exhibits 6 through 11.

Opponents of Senate Bill 2 were:

Donald R. Waldron, Libby Public Schools, Libby, Mt. - Mr. Waldron spoke in support of the concept of Senate Bill 2, but was opposed to the amendments made in the Senate decreasing the appropriation from 9.2% to 8.0%.

Representative Pistoria spoke in opposition to a 9.2 % increase because he felt increases go to school administration rather than to the educational programs.

Bill Gould, Lincoln County Commissioners, Rt. 1, Box 81 A, Eureka, Mt. - Mr. Gould opposed the amendments made in the Senate as stated earlier. (See Exhibit 6)

Ed Nelson, 1706 9th Ave., Helena, Mt. - (Montana Taxpayers Association) - Mr. Nelson told the committee his organization doesn't oppose SB 2, only the bill in the amended form.

Charlotte Edwards, Broadus, Mt. - Ms. Edwards told the committee she supports the bill, however, would have to agree with Representative Pistoria that increases are spent for administrative purposes rather than educational programs.

The committee was allowed to question the witnesses and the hearing on Senate Bill 2 was closed.

Chairman Gilligan requested Senator McCallum to explain to the committee Senate Bill 273 (an act requiring tuition payment for a high school student attending a high school in a district outside his resident district and creating a high school tuition fund).

Proponents of Senate Bill 273 were:

Robert M. Banks, Superintendent, Frenchtown Public Schools, Frenchtown, Mt. - Mr. Banks stated, "It is our contention, that to allow a student from one high school district to attend school in another district without paying tuition, is unfair to the receiving district. The law presently being adhered to, works a hardship on the receiving district in respect to overcrowding facilities available, and it is also a fact that the parents of students from out of the district do not contribute to the tax base of the receiving district in supplying the revenue necessary for the educational and building programs of the district. " (For complete written testimony, See Exhibit 18)

Claude H. Lackner, Rt. 2, Missoula, Mt. - Mr. Lackner reiterated points made in Mr. Banks' testimony above. (See Exhibit 19)

There were no opponents of Senate Bill 273 present. The committee was allowed to question the witnesses and the hearing was closed.

State of Montana
46th Legislative Session

EDUCATION COMMITTEE

Minutes of Meeting

A meeting of the Education Committee of the House of Representatives was called to order at 12:30 p.m. in Room 5 of the Capitol Annex on Friday, March 9, 1979 by Chairman Peter J. Gilligan.

The roll was taken and shows Representative Lund excused. All other committee members were present.

The purpose of the meeting was to hear Senate Bills 276, 203, 126, and 178.

Chairman Gilligan requested Senator Turnage to explain to the committee Senate Bill 178 (an act requiring that courses be taught on the health hazards of marijuana). Senator Turnage passed out information to the committee he had received from a study researched by the Legislative Auditor's office concerning marijuana. (See Exhibit 1)

Proponents of Senate Bill 178 were:

Lyle Eggum, Office of Public Instruction, Helena, Mt. - Mr. Eggum stated, "The bill has been amended to be discretionary for districts to comply. Many districts have in place a unit of instruction with in the current curriculum. This bill now serves as a reminder that some emphasis needs to be placed on the topic. We do have concerns about legislated curriculum, however, the discretionary emphasis for local districts provides the decision making at the local level where it should be. (See Exhibit 2)

There were no opponents of SB 178 present. The committee was allowed to question the witnesses and the hearing on SB 178 was closed.

Chairman Gilligan requested Senator Brown to explain to the committee Senate Bill 276 (an act to allow state and local educational agencies to administer, plan, develop, operate and improve programs designed to meet the special needs of gifted and talented children).

Proponents of SB 276 were:

Judi Fenton, 906 Oregon, Helena, Mt. (Office of Public Instruction) Ms. Fenton stated, "Montana's gifted and talented youth may be our most precious natural resource....Therefore it is imperative to exert necessary leadership to insure that the needs of Montana's gifted and talented youth are met." (For complete written testimony, See Exhibit 3)

Wayne Buchanan, Montana School Boards Association, 501 N. Sanders, Helena, Mt. - Mr. Buchanan spoke briefly in support of SB 276. (See Exhibit 4)

Chairman Gilligan requested Senator Blaylock to explain to the committee Senate Bill 126 (an act to generally revise the law relating to education.) Senator Blaylock told the committee this bill was introduced at the request of the Code Commissioner and clarifies the laws relating to education. An explanation of the bill is attached as Exhibit 13.

There were no proponents or opponents of SB 126 present. The committee was allowed to question Senator Blaylock and the hearing was closed.

The committee went into Executive Session.

Representative Reichert moved SENATE BILL 276 BE CONCURRED IN. The motion carried 15-1, with Representative Kvaalen voting no.

Representative Eudaily moved that SENATE BILL 203 BE CONCURRED IN. The motion carried with Representatives Yardley, Uhde, and Nordtvedt voting no.

There was discussion among the members of the committee regarding Senate Bill 178. Representative Eudaily moved SENATE BILL 178 BE CONCURRED IN. The motion failed, 5 voting yes, 10 voting no. The motion was reversed to SENATE BILL 178 BE NOT CONCURRED IN. The motion carried 10-5, with Representatives Pistoria, Daily, Teague, Eudaily and Lory voting no.

Representative Lund moved Senate Bill 273 Be Not Concurred In. Representative Kvaalen made a substitute motion SENATE BILL 273 BE CONCURRED IN. The motion carried, 8-7, with Representatives Uhde, Reichert, Kemmis, Oberg, Teague, Yardley, and Anderson voting no.

Representative Uhde moved to amend Senate Bill 2 by striking the section reducing the amount of funds received by districts receiving federal forest reserve funds in that amount. The motion carried 8-6, with Representatives Oberg, Daily, Teague, Yardley, Anderson and Gilligan voting no. Representative Eudaily moved to amend SB 2 back to the original 9.2% funding schedules. The motion carried, 13-3, 1 abstaining. Those voting no were Representatives Pistoria, Nordtvedt and Kvaalen. Representative Eudaily moved that SENATE BILL 2, AS AMENDED, BE CONCURRED IN. The motion carried unanimously.

Representative Lory moved to amend SB 262 to make proportionately based distribution of funds from federal forest reserve lands. The motion carried 11-5, with Representatives Daily, Yardley, Nordtvedt, Kvaalen and Gilligan voting no. Representative Lory moved that SENATE BILL 262 AS AMENDED, BE CONCURRED IN. The motion carried 9-7, with Representatives Reichert, Oberg, Daily, Teague, Yardley, Kvaalen and Gilligan voting no.

HOUSE OF REPRESENTATIVES
March 15, 1979

Committee of the Whole amendment to Senate Bill No. 273, reference bill,
as follows:

1. Page 2, line 2.
Following: line 1
Strike: "county superintendent"
Insert: "trustees"
Following: "child's"
Strike: "county"
Insert: "district"

AND AS AMENDED,
BE CONCURRED IN

. Page 3, line 7.
Strike: "county superintendent"
Insert: "trustees"
Following: "for"
Strike: "his"
Insert: "their"

AND AS AMENDED
CONCURRED IN

SENATE BILL NO. 273
INTRODUCED BY McCALLUM

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TUITION
PAYMENT FOR A HIGH SCHOOL STUDENT ATTENDING A HIGH SCHOOL IN
A DISTRICT OUTSIDE HIS RESIDENT DISTRICT AND CREATING A HIGH
SCHOOL TUITION FUND; AMENDING SECTIONS 20-5-311 THROUGH
20-5-313 AND 20-9-334, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-5-311, MCA, is amended to read:

"20-5-311. High school tuition. (1) Any child may be
enrolled in and attend a high school outside of the county
high school district in which he resides when such high
school is located in ~~any county of the state of~~ Montana or
in a county of another state that is adjacent to the state
of Montana. When a parent or guardian of a child wishes to
have his child attend a school under the provisions of this
section, he shall apply to the county superintendent of the
county of his residence before July 1 of the school fiscal
year for which he seeks approval except in those cases when
substantial changes in circumstances occurred subsequently
to justify later application. Such application shall be made
on a tuition agreement form supplied by the county
superintendent and shall be approved by the trustees of the

district where the child wishes to attend school and the
county---superintendent TRUSTEES of the child's county
DISTRICT of residence before permission to enroll in and
attend a school outside of the county district under the
provisions of this section shall be granted.

(2) The county-superintendent TRUSTEES shall approve a
tuition application when a child lives closer to a high
school of another county district than any high school
located within his resident county district or when, due to
road or geographic conditions, it is impractical to attend a
the high school in nearest his resident-county residence. In
approving such a tuition application the county
superintendent TRUSTEES ~~is~~ are not required to approve a
tuition application for a student seeking to attend a high
school outside the state of Montana if the resident district
provides transportation. In approving a tuition agreement
under this provision, the county-superintendent TRUSTEES may
require the child to attend the high school closest to his
residence. The county-superintendent TRUSTEES may approve
any other tuition application that satisfies the geographic
requirements of this section.

(3) The trustees of the district where the child
wishes to attend school shall approve or disapprove any
tuition application submitted to them under the provisions
of this section within 15 days after the receipt of the

1 application.

2 (4) The county superintendent shall notify the parent
3 or guardian and the trustees of the district where the child
4 wishes to attend school of the tuition agreement approval or
5 disapproval. If a tuition agreement is disapproved by the
6 county-superintendent TRUSTEES, the parent may appeal such
7 disapproval to the county-superintendent TRUSTEES for his
8 THEIR reconsideration and, subsequently, to the
9 superintendent of public instruction under the provision for
10 the appeal of controversies in this title. The approval of
11 any tuition agreement by the approval agents or upon appeal
12 shall authorize the child named in such agreement to enroll
13 in and attend the school named in such agreement for the
14 ensuing school fiscal year."

15 Section 2. Section 20-5-312, MCA, is amended to read:

16 "20-5-312. Reporting, budgeting, and payment for high
17 school tuition. (1) At the close of the school term of each
18 school fiscal year, the trustees of each high school
19 district shall determine the rate of tuition for the current
20 school fiscal year by:

21 (a) totaling the actual expenditures from the district
22 general fund, retirement fund, and debt service fund;

23 (b) dividing the amount determined in subsection
24 (1)(a) above by the ANB of the district for the current
25 fiscal year, as determined under the provisions of 20-9-311;

1 and

2 (c) subtracting the total of the per-ANB amount
3 allowed by 20-9-316 through 20-9-321 that represents the
4 foundation program as prescribed by 20-9-303 plus the
5 per-ANB amount determined by dividing the state financing of
6 the district permissive levy by the ANB of the district,
7 from the amount determined in subsection (1)(b) above.

8 (2) Before July 15, the trustees shall report to the
9 county superintendent of the county in which the district is
10 located:

11 (a) the names, addresses, and resident counties
12 districts of the pupils attending the schools of the
13 district under an approved tuition agreement;

14 (b) the number of days of school attended by each
15 pupil;

16 (c) the amount, if any, of each pupil's tuition
17 payment that the trustees, in their discretion, shall have
18 the authority to waive; and

19 (d) the rate of current school fiscal year tuition, as
20 determined under the provisions of this section.

21 (3) When the county superintendent receives a tuition
22 report from a district, he shall immediately send the
23 reported information to the county superintendent of each
24 county district in which the reported pupils reside.

25 (4) When the county district superintendent of--any

county receives a tuition report or reports for high school pupils residing in his county district and attending an out-of-county out-of-district high school under approved tuition agreements, he shall determine the total amount of tuition due such out-of-county out-of-district high schools on the basis of the following per-pupil schedule: the rate of tuition, number of pupils attending under an approved tuition agreement, and other information provided by each high school district where resident county district pupils have attended school.

~~(5) The total amount of the high school tuition with consideration of any tuition waivers shall be financed by the county basic special tax for high schools as provided in 20-9-334.~~

~~(6) In December, the county superintendent shall cause the payment by county warrant of the high school tuition obligations established under this section out of the first moneys realized from the county basic special tax for high schools. The payment shall be made to the county treasurer of the county where each high school entitled to tuition is located. The county treasurer shall credit such tuition receipts to the general fund of the applicable high school district, and the tuition receipts shall be used in accordance with the provisions of 20-9-141.~~

(5) THE TOTAL AMOUNT OF THE HIGH SCHOOL TUITION, WITH

CONSIDERATION OF ANY TUITION WAIVERS, FOR PUPILS ATTENDING A HIGH SCHOOL OUTSIDE THE COUNTY OF RESIDENCE SHALL BE FINANCED BY THE COUNTY BASIC SPECIAL TAX FOR HIGH SCHOOLS AS PROVIDED IN 20-9-334. IN DECEMBER, THE COUNTY SUPERINTENDENT SHALL CAUSE THE PAYMENT BY COUNTY WARRANT OF THE HIGH SCHOOL TUITION OBLIGATIONS ESTABLISHED UNDER THIS SECTION OUT OF THE FIRST MONEYS REALIZED FROM THE COUNTY BASIC SPECIAL TAX FOR HIGH SCHOOLS. THE PAYMENT SHALL BE MADE TO THE COUNTY TREASURER OF THE COUNTY WHERE EACH HIGH SCHOOL ENTITLED TO TUITION IS LOCATED. THE COUNTY TREASURER SHALL CREDIT SUCH TUITION RECEIPTS TO THE GENERAL FUND OF THE APPLICABLE HIGH SCHOOL DISTRICT, AND THE TUITION RECEIPTS SHALL BE USED IN ACCORDANCE WITH THE PROVISIONS OF 20-9-141.

(6) FOR PUPILS ATTENDING A HIGH SCHOOL OUTSIDE THEIR DISTRICT OF RESIDENCE BUT WITHIN THE COUNTY OF RESIDENCE, THE TOTAL AMOUNT OF THE TUITION, WITH CONSIDERATION OF ANY TUITION WAIVERS, MUST BE PAID DURING THE ENSUING SCHOOL FISCAL YEAR. THE TRUSTEES OF THE SENDING HIGH SCHOOL DISTRICT SHALL INCLUDE THE TUITION AMOUNT IN THE TUITION FUND OF THE PRELIMINARY AND FINAL BUDGETS. THIS BUDGETED TUITION AMOUNT IS NOT SUBJECT TO THE BUDGET ADJUSTMENT PROVISIONS OF 20-9-132. THE COUNTY SUPERINTENDENT SHALL REPORT THE NET TUITION FUND LEVY REQUIREMENT FOR EACH HIGH SCHOOL DISTRICT TO THE COUNTY COMMISSIONERS ON THE SECOND MONDAY OF AUGUST, AND A LEVY ON THE DISTRICT SHALL BE MADE

BY THE COUNTY COMMISSIONERS IN ACCORDANCE WITH 20-9-142. THIS LEVY REQUIREMENT SHALL BE CALCULATED BY SUBTRACTING FROM THE TOTAL EXPENDITURE AMOUNT AUTHORIZED IN THE FINAL TUITION FUND BUDGET THE SUM OF THE CASH BALANCE IN THE TUITION FUND AT THE END OF THE IMMEDIATELY PRECEDING SCHOOL FISCAL YEAR PLUS ANY OTHER ANTICIPATED MONEY THAT MAY BE REALIZED IN THE TUITION FUND. THE TRUSTEES SHALL PAY BY WARRANTS DRAWN ON THE TUITION FUND THE TUITION AMOUNTS OWED IN EACH DISTRICT INCLUDED IN THE COUNTY SUPERINTENDENT'S NOTIFICATION. PAYMENTS SHALL BE MADE WHENEVER THERE IS A SUFFICIENT AMOUNT OF CASH AVAILABLE IN THE TUITION FUND BUT NO LATER THAN THE END OF THE SCHOOL FISCAL YEAR FOR WHICH THE BUDGET IS ADOPTED. HOWEVER, IF THE TRUSTEES OF EITHER THE SENDING OR RECEIVING HIGH SCHOOL FEEL THE TRANSFER PRIVILEGE PROVIDED BY THIS SUBSECTION IS BEING ABUSED THEY MAY APPEAL TO THE COUNTY SUPERINTENDENT OF SCHOOLS WHO SHALL HOLD A HEARING AND EITHER APPROVE OR DISAPPROVE THE TRANSFER."

Section 3. Section 20-5-313, MCA, is amended to read:

"20-5-313. Individual tuition for high school pupils.

(1) Any child eligible to attend high school may attend school in any the high school district of his county of residence in which he resides without payment of tuition.

(2) No provision of this title shall be construed to deny a parent the right to send his child, at his own

expense, to any high school outside of his county district of residence when the parent agrees to pay the tuition acceptable to the trustees of the high school district operating such high school. When the attendance is approved, the parent shall pay tuition at the rate fixed by the trustees."

~~NEW SECTION. Section 4. Budgeting. Levy requirement and paying high school tuitions. (1) The tuition amount established in 20-5-312 must be paid during the ensuing school fiscal year. The trustees of the high school district shall include the tuition amount in the tuition fund of the preliminary and final budgets. This budgeted tuition amount is not subject to the budget adjustment provisions of 20-9-132.~~

~~(2) The county superintendent shall report the net tuition fund levy requirement for each high school district to the county commissioners on the second Monday of August and a levy on the district shall be made by the county commissioners in accordance with 20-9-142. This levy requirement shall be calculated by subtracting from the total expenditure amount authorized in the final tuition fund budget the sum of the cash balance in the tuition fund at the end of the immediately preceding school fiscal year plus any other anticipated money that may be realized in the tuition funds.~~

{3}--The--trustees--shall--pay--by--warrants--drawn--on--the
tuition--fund--the--tuition--amounts--owed--to--each--district
included--in--the--county--superintendent's--notification--under
the--provisions--of--29-5-312--Payments--shall--be--made--whenever
there--is--a--sufficient--amount--of--cash--available--in--the
tuition--fund--but--no--later--than--the--end--of--the--school--fiscal
year--for--which--the--budget--is--adopted.

Section--5--Section--28-9-334--MCA--is--amended--to--read:

"28-9-334--Apportionment--of--county--equatization--moneys
by--county--superintendent--The--county--superintendent--shall
separately--apportion--the--revenues--deposited--in--the--basic
county--tax--account--and--the--revenues--deposited--in--the--basic
special--tax--for--high--schools--account--to--the--several
districts--of--the--county--on--a--quarterly--basis--The
apportionments--shall--be--known--as--"county--equatization
moneys"--Before--the--county--superintendent--makes--the
quarterly--apportionments--he--shall:

{1}--deduct--from--the--revenues--available--in--the--basic
county--tax--account--the--amount--required--for--the--quarter--to
pay--the--county's--obligation--for--elementary--transportation
reimbursements; and

{2}--deduct--from--the--revenues--available--in--the--basic
special--tax--for--high--schools--account--the--amount--required--for
the--quarter--to--pay--the--county's--obligation--for--high--school
out-of-county--tuition."

-End-